

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday August 18, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Jordan Russell.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 9:47 a.m. on Wednesday, August 16, 2017, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Regular Meeting of July 28, 2017 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the July 28, 2017 Regular Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the July 28, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Jason Thomas Talbot v. Cudd Pressure Control Inc., & Ace American Insurance Co., File # CM2015-01013F

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. J. Kord Hammert represented the Claimant and Lauri Judy represented the Respondent.

After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland announced that the Commission en Banc will be taking this case under advisement to be announced at a later date.

THE CASE WAS: TAKEN UNDER ADVISEMENT

Marisol Florer v. Mannford Public Schools & CompSource Mutual (FKA CompSource Oklahoma), File # CM2015-04000Q

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones represented the Claimant and Kevin D. Berry represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Nay: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Debbie Sue Hoskins v. Chelsea Public Schools & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File # CM2016-01241F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan Jones represented the Claimant and Kevin D. Berry represented the Respondent.

The parties announced agreement to submit the case on the record.

Motion: After reviewing the record and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Amberlie Chambers v. Oxford Health Care Services & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) & Oklahoma Healthcare Services Inc., & Compsource Mutual Ins. Co. (FKA CompSource Oklahoma) , File #CM2015-04939Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael Antkowiak represented the Claimant and Blake I. Whitten represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

John Prear v. City of Tulsa (Own Risk #10435), File # CM2016-00630A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan Jones represented the Claimant and Jennifer Ahrend represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Nay: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland and Commissioner Liotta.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jimmy L. Stamper v. Chilis Inc., Safety National Casualty, File #CM2016-02891X

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Stacey Lobaugh is the attorney of record for the Claimant and John McCaleb represented the Respondent.

Respondent's attorney announced that Claimant's attorney did not have notice of the Appeal date as the case had been assigned to another attorney. Respondent agreed to a continuance to the next available date.

Appellate Officer Chairman Gilliland announced that the Commission en Banc will continue the appeal hearing until the next available hearing date before the Commission en banc.

THE CASE WAS: CONTINUED

Michael Briney v. WalMart Stores Inc. (Own Risk #20000), File #CM2016-03340Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Charles Simons represented the Claimant and Katie R. McCune represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Crystal Pryor-Wadley v. Wal Mart Stores Inc. (Own Risk #20000), File # CM2016-06897R

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Ray Lahann represented the Claimant and Jill R. Fidelie represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next regular business meeting is Thursday, September 14, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, September 15, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 12:28p.m.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.